

Department of Community Planning and Economic Development – Planning Division

Variance Request
BZZ-2803

Date: February 16, 2006

Applicant: Andrew and Kelly Armstrong

Address of Property: 2024 60th St W

Contact Person and Phone: Andrew and Kelly Armstrong, (612) 929-2251

Planning Staff and Phone: Paul Mogush, (612) 673-2670

Date Application Deemed Complete: January 13, 2006

End of 60 Day Decision Period: March 14, 2006

Appeal Period Expiration: February 27, 2006

Ward: 13 **Neighborhood Organization:** Armatage Neighborhood Association

Existing Zoning: R1 Single Family District

Proposed Use: A 5 ft. 6 in. wood fence (already constructed)

Proposed Variances: A variance to increase the maximum height of a fence in the required front yard from 3 ft. to 5 ft. 6 in. for the property located at 2024 60th St W in the R1 Single Family District.

Zoning code section authorizing the requested variance: 525.520 (5)

Background: The subject property is an existing single-family home on a 108 ft. by 108 ft. (11,664 square ft.) reverse corner lot. In 2004, the property owners constructed a solid wood fence on the west side of the house varying in height between 4 ft. and 5 ft. 6 in.. Because the property is a reverse corner lot, the fence is located entirely within the required front yard, where the maximum height of a fence less than 60 percent opaque is 3 ft.. On December 30, 2005, Housing Inspection Services issued the property owners a notice of violation relating to the fence height. The property owners are requesting a variance to increase the height of the fence from 3 ft. to 5 ft. 6 in..

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The applicant is seeking a variance to increase the maximum height of a fence in the required front yard from 3 ft. to 5 ft. 6 in.. Strict adherence to the regulations of the zoning ordinance would mean reducing the entire fence to 3 ft. in height. However, the ordinance allows an increase of 1 ft. if the fence is constructed of open, decorative, ornamental fencing materials that are less than 60 percent opaque. This provision allows a 4-ft. fence in the required front yard, a difference of 1 ft. 6 in. from the existing fence at its highest point. Staff does not identify a hardship associated with meeting the height requirements of the ordinance.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The subject property is a reverse corner lot, which creates circumstances not shared by interior and corner lots. Reverse corner lots impose a required front yard on two sides of the dwelling, resulting in more restrictive requirements than a standard corner side yard. These circumstances resulted from a subdivision that took place before the applicant purchased the property.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

A reverse corner lot creates a situation in which the side lot line of the subject property effectively serves as a neighboring front yard to the adjacent property to the rear. For this reason, the zoning code imposes the same fence height requirements for a reverse corner side yard that it does for a front yard. This requirement preserves open views up and down the street and protects the adjacent property from a disproportionately tall fence along the shared property line. A 5 ft. 6 in. fence in the required front yard does not meet this intent and has the potential to be injurious to the enjoyment of the adjacent property by blocking views to the south. The fence also alters the character of the 6100 block of Newton Ave S, which has no other front yard fences.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to the public welfare or public safety.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

CPED Planning Division Report
BZZ-2787

The Department of Community Planning and Economic Development – Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to increase the maximum height of a fence in the required front yard from 3 ft. to 5 ft. 6 in. for the property located at 2024 60th St W in the R1 Single Family District.